

In re Appln. of VENKATARAMAN, Balaji
Application No. 10/056,805

REMARKS

The Present Invention

The present invention relates to methods for treating upper respiratory indications using tannates. Claims 19-30 are pending.

Discussion of Claim Amendments

Claims 1, 2, 4 and 6-18 have been canceled. New claims 19-30 have been added by this amendment. These new claims are supported by the specification at page 1, lines 9-12, page 3, line 26 to page 4, line 6, page 13, lines 11-13, and pages 14-23 (entire pages). Accordingly, no new matter has been added by way of these amendments.

Applicant has made the aforementioned amendments in order to more particularly point out and distinctly claim the subject matter which they regard as their invention. Applicant believes that the pending claims define subject matter that is patentable over the references of record including, in particular, the references cited in the Office Action.

Discussion of the Claim Rejections

The Office Action rejects claims 1, 2, 4 and 6-18 as allegedly anticipated under 35 U.S.C. § 102(b) by U.S. Patent 3,282,789, U.S. Patent 6,287,597 or 6,306,904. As a threshold matter, claims 1, 2, 4 and 6-18 have been canceled thereby mooted the rejection of these claims.

The patents cited in the Office Action fail to teach or suggest the method of treating upper respiratory indications comprising administering a therapeutically effective amount of dexchlorpheniramine tannate and pseudoephedrine tannate to a human patient in need thereof as recited in independent claim 19. Further, the cited references do not teach or suggest the method of independent claim 20 of treating upper respiratory indications comprising administering a therapeutically effective amount of dexchlorpheniramine tannate, pseudoephedrine tannate and dextromethorphan tannate to a human patient in need thereof.

Similarly, the method of independent claim 25 directed to treating symptoms associated with upper respiratory conditions comprising administering a composition comprising dexchlorpheniramine tannate and pseudoephedrine tannate in an amount effective for the treatment, management or mitigation of such symptoms is neither taught nor suggested by the prior art references cited in the Office Action. Finally, there is no teaching or suggestion of the method of independent claim 26 covering a method of treating symptoms associated with upper respiratory conditions comprising administering a composition comprising dexchlorpheniramine tannate, pseudoephedrine tannate and dextromethorphan

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26. (New) A method of treating symptoms associated with upper respiratory conditions comprising administering a composition comprising dexchlorpheniramine tannate, pseudoephedrine tannate and dextromethorphan tannate in an amount effective for the treatment, management or mitigation of such symptoms.

27. (New) The method of claim 25, wherein the symptoms associated with upper respiratory conditions are selected from the group consisting of cough, cold, cold-like symptoms, symptoms related to upper respiratory infections, influenza symptoms and allergic rhinitis.

28. (New) The method of claim 26, wherein the symptoms associated with upper respiratory conditions are selected from the group consisting of cough, cold, cold-like symptoms, symptoms related to upper respiratory infections, influenza symptoms and allergic rhinitis.

29. (New) The method of claim 25, wherein the dexchlorpheniramine tannate and pseudoephedrine tannate are administered orally as a liquid suspension.

30. (New) The method of claim 26, wherein the dexchlorpheniramine tannate, pseudoephedrine tannate and dextromethorphan tannate are administered orally as a liquid suspension.